

REMARKS

This paper and accompanying Request for Continued Examination are submitted in response to the final Office Action mailed on December 27, 2004 with a shortened statutory response period that ends on March 27, 2005. This paper is submitted within the statutory period. Claims 12 and 18-33 and 35-48 are pending in this application. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Attorneys for Applicants wish to thank Examiner Chan for the courtesies extended during a telephone conversation on February 22, 2005 wherein Examiner Chan indicated that Claim 36 included allowable subject matter. The allowable subject matter in Claims 36 and 38 is noted with appreciation.

Claims 12, 20, 22, 29-30, 32, 34, 37, 39, 42-44, 46 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,527,716 to Haas et al. (*Haas*). Claim 40 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,382,117 to Ring et al. (*Ring*). Claims 35, 45 and 48 were rejected under 35 U.S.C. § 103(a) as being obvious over *Haas*. Claims 12, 18-21, 23-31, 33 and 41 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,788,121 to Sasaki et al. (*Sasaki*) in view of U.S. Patent No. 4,306,668 to Love (*Love*). Applicants respectfully traverse and disagree with these rejections as no combination of *Haas*, *Ring* and *Sasaki* teaches or suggests the subject matter recited in the present claims.

Haas, *Ring*, and *Love* each teach away from a support system that includes a closed flexible container that defines a sterile barrier to the interior of the container as recited in independent claims 12, 29, and 37 and claims depending therefrom. *Haas* discloses that an overhead center support hook “impales” or otherwise pierces a hole in the upper portion of the liner. *Haas*, col. 3 lines 19-21, col. 4 lines 4-6. Similarly, *Ring* discloses a bag having an opening. *Ring*, col. 2 lines 17-18, col. 3 lines 27-28, FIG. 1 reference numeral 17. Likewise, *Love* discloses a flexible bag having a ventilator opening. *Love*, col. 1 lines 43-44, col. 3 line 4, col. 3 lines 22-31, FIG. 2. The skilled artisan would immediately recognize that *Haas*’ liner having a pierced hole, *Ring*’s bag with an opening, and *Love*’s bag with a ventilator opening each individually teach away from a closed flexible container for maintaining a fluid under sterile conditions as recited in the present claims.

Furthermore, it is a well established axiom of patent law that every element of a claim must be considered when evaluating the scope of a claim. *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995). Thus, upon a proper reading of the claims, *Love* further teaches away from a rigid box as recited in independent claims 12, 18, and 29, for example. *Love* discloses a frame having flexible webbing that surrounds an inner bag. The webbing permits the inner bag to bulge outward when full. *Love*, col. 2 lines 10-22. *Love*'s flexible webbing teaches away from the rigid box recited in Claims 12, 18 and 29.

The teaching away of *Haas*, *Ring*, and *Love* is a *per se* demonstration of lack of *prima facie* obviousness. *In re Dow Chemical Co.*, 837 F.2d 469 (Fed. Cir. 1988). Consequently, the combination of *Love* and *Sasaki* cannot teach or suggest the subject matter recited in the present claims.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the patent application is in condition for allowance and request a Notice of Allowance be issued.

Respectfully submitted,

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